

Assembly Bill No. 3062

CHAPTER 508

An act to amend Sections 2146, 9282, 9285, 13112, and 13113 of, to add Section 10220.5 to, and to repeal Sections 9219 and 9220 of, the Elections Code, relating to elections.

[Approved by Governor September 27, 2006. Filed with
Secretary of State September 27, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3062, Committee on Elections and Redistricting. Elections omnibus bill.

(1) Existing law requires the Secretary of State to annually provide voter registration forms and information to students in all high schools, community colleges, and campuses of the California State University and University of California. Existing law requires that the number of forms be consistent with the number of students enrolled at each school.

This bill would instead require that the number of forms be consistent with the number of students enrolled at each school who are of voting age or will be of voting age by the end of the year and would require the Secretary of State to provide additional forms to any school, free of charge, if so requested by a school.

(2) Existing law specifies procedures applicable to the preparation, submittal, and printing of arguments for, against, and rebuttal arguments to, a measure appearing on the ballot of a city, county, district, or school district election.

Existing law authorizes persons filing an initiative petition in a municipal election to file a written argument in favor of the ordinance and provides that the legislative body may submit an argument against the ordinance pursuant to specified procedures. Existing law also provides that the persons filing the initiative petition may prepare and submit a rebuttal argument not exceeding 250 words and that the legislative body may prepare and submit a rebuttal to the argument in favor of the ordinance not exceeding 250 words pursuant to specified procedures.

This bill would delete these provisions and recast them to provide that persons filing the initiative petition may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance not exceeding 300 words and that, for measures placed on the ballot by the legislative body, the legislative body may file a written argument for or against any city measure.

(3) The California Constitution and state law provide that judicial, school, county, and municipal offices are nonpartisan offices. Existing law also defines a nonpartisan office as an office for which no party may

nominate a candidate and requires candidates for elective office to file a declaration of candidacy for a particular office.

This bill would prohibit a candidate for a municipal office from filing nomination papers for more than one municipal office or term of office for the same municipality in the same election.

(4) Existing law provides that the order of candidates' names on the ballot of the 5 major election dates is determined by a randomized alphabet drawing conducted by the Secretary of State, with certain requirements, and requires that the 1st drawing take place on the 82nd day before the April general law city elections and any other elections held at the same time.

Existing law requires that the 4th drawing take place on the 82nd day before the 1st Tuesday after the 1st Monday in June of each odd-numbered year, that the 5th drawing take place on the 82nd day before the 1st Tuesday after the 1st Monday in November of the odd-numbered year, and that these dates apply to all candidates on the ballot in the elections held on that date.

This bill would instead require 6 drawings and would require that the 1st drawing take place on the 82nd day before the April general law city elections of any even-numbered year. The bill would also require that the 4th drawing take place on the 82nd day before the March general law city elections of each odd-numbered year, the 5th drawing take place on the 82nd day before the 1st Tuesday after the 1st Monday in June of each odd-numbered year, and the 6th drawing take place on the 82nd day before the 1st Tuesday after the 1st Monday in November of the odd-numbered year.

(5) Existing law provides that the order of candidates' names on the ballot of a special district, school district, charter city, or other local government body election, occurring on other than one of the 4 major election dates is determined by a special randomized alphabet drawing conducted by the Secretary of State on the 1st weekday following the last possible day of filing for the election according to specified requirements.

This bill would revise these provisions to require that the Secretary of State conduct a randomized alphabet drawing on the 1st weekday following the last possible day of filing in the event there is an extension for the election.

The people of the State of California do enact as follows:

SECTION 1. Section 2146 of the Elections Code is amended to read:

2146. (a) The Secretary of State shall annually provide every high school, community college, and California State University and University of California campus with voter registration forms. The number of forms shall be consistent with the number of students enrolled at each school who are of voting age or will be of voting age by the end of the year. The

Secretary of State shall provide additional forms to any school, free of charge, if so requested by a school.

(b) The Secretary of State shall provide a written notice with each registration form describing eligibility requirements and informing each student that he or she may return the completed form in person or by mail to the elections official of the county in which the student resides.

(c) It is the intent of the Legislature that every high school and college student receive a voter registration card with his or her diploma. It is also the intent of the Legislature that every school do all in its power to ensure that students are provided the opportunity and means to register to vote. This may include providing voter registration forms at the start of the school year, including voter registration forms with orientation materials, placing voter registration forms at central locations, and including voter registration forms with graduation materials.

SEC. 2. Section 9219 of the Elections Code is repealed.

SEC. 3. Section 9220 of the Elections Code is repealed.

SEC. 4. Section 9282 of the Elections Code is amended to read:

9282. (a) For measures placed on the ballot by petition, the persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.

(b) For measures placed on the ballot by the legislative body, the legislative body, or any member or members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any city measure.

(c) No argument shall exceed 300 words in length.

(d) The city elections official shall include the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments:

“Arguments in support or opposition of the proposed laws are the opinions of the authors.”

(e) The city elections official shall enclose a printed copy of both arguments with each sample ballot; provided, that only those arguments filed pursuant to this section shall be printed and enclosed with the sample ballot. The printed arguments are “official matter” within the meaning of Section 13303.

(f) Printed arguments submitted to voters in accordance with this section shall be titled either “Argument In Favor Of Measure ____” or “Argument Against Measure ____,” accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word “Proposition” may be substituted for the word “Measure” in these titles.

SEC. 5. Section 9285 of the Elections Code is amended to read:

9285. (a) (1) When an elections official receives an argument relating to a city measure that will be printed in the ballot pamphlet, the elections

official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

(3) No rebuttal argument may exceed 250 words.

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument which it seeks to rebut.

(b) Subdivision (a) applies only if, not later than the day on which the legislative body calls an election, the legislative body adopts its provisions by majority vote, in which case subdivision (a) applies at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision.

SEC. 6. Section 10220.5 is added to the Elections Code, to read:

10220.5. Notwithstanding any other provision of law, a candidate shall not file nomination papers for more than one municipal office or term of office for the same municipality in the same election.

SEC. 7. Section 13112 of the Elections Code is amended to read:

13112. The Secretary of State shall conduct a drawing of the letters of the alphabet, the result of which shall be known as a randomized alphabet. The procedure shall be as follows:

(a) Each letter of the alphabet shall be written on a separate slip of paper, each of which shall be folded and inserted into a capsule. Each capsule shall be opaque and of uniform weight, color, size, shape, and texture. The capsules shall be placed in a container, which shall be shaken vigorously in order to mix the capsules thoroughly. The container then shall be opened and the capsules removed at random one at a time. As each is removed, it shall be opened and the letter on the slip of paper read aloud and written down. The resulting random order of letters constitutes the randomized alphabet, which is to be used in the same manner as the conventional alphabet in determining the order of all candidates in all elections. For example, if two candidates with the surnames Campbell and Carlson are running for the same office, their order on the ballot will depend on the order in which the letters M and R were drawn in the randomized alphabet drawing.

(b) (1) There shall be six drawings, three in each even-numbered year and three in each odd-numbered year. Each drawing shall be held at 11 a.m. on the date specified in this subdivision. The results of each drawing

shall be mailed immediately to each county elections official responsible for conducting an election to which the drawing is applicable, who shall use it in determining the order on the ballot of the names of the candidates for office.

(A) The first drawing under this subdivision shall take place on the 82nd day before the April general law city elections of an even-numbered year, and shall apply to those elections and any other elections held at the same time.

(B) The second drawing under this subdivision shall take place on the 82nd day before the direct primary of an even-numbered year, and shall apply to all candidates on the ballot in that election.

(C) (i) The third drawing under this subdivision shall take place on the 82nd day before the November general election of an even-numbered year, and shall apply to all candidates on the ballot in the November general election.

(ii) In the case of the primary election and the November general election, the Secretary of State shall certify and transmit to each county elections official the order in which the names of federal and state candidates, with the exception of candidates for State Senate and Assembly, shall appear on the ballot. The elections official shall determine the order on the ballot of all other candidates using the appropriate randomized alphabet for that purpose.

(D) The fourth drawing under this subdivision shall take place on the 82nd day before the March general law city elections of each odd-numbered year, and shall apply to those elections and any other elections held at the same time.

(E) The fifth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in June of each odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(F) The sixth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in November of the odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(2) In the event there is to be an election of candidates to a special district, school district, charter city, or other local government body at the same time as one of the five major election dates specified in subparagraphs (A) to (F), inclusive, and the last possible day to file nomination papers for the local election would occur after the date of the drawing for the major election date, the procedure set forth in Section 13113 shall apply.

(c) Each randomized alphabet drawing shall be open to the public. At least 10 days prior to a drawing, the Secretary of State shall notify the news media and other interested parties of the date, time, and place of the drawing. The president of each statewide association of local officials with responsibilities for conducting elections shall be invited by the Secretary of State to attend each drawing or send a representative. The state

chairman of each qualified political party shall be invited to attend or send a representative in the case of drawings held to determine the order of candidates on the primary election ballot, the November general election ballot, or a special election ballot as provided for in subdivision (d).

(d) In the case of any special election for State Assembly, State Senate, or Representative in Congress, on the first weekday after the close of filing of nomination papers for the office, the Secretary of State shall conduct a public drawing to produce a randomized alphabet in the same manner as provided for in subdivisions (a) and (c). The resulting randomized alphabet shall be used for determining the order on the ballot of the candidates in both the primary election for the special election and in the special election.

SEC. 8. Section 13113 of the Elections Code is amended to read:

13113. (a) In the case of an election of candidates in a special district, school district, charter city (whose charter does not provide to the contrary), or other local government body, occurring on other than one of the election dates specified in subdivision (b) of Section 13112, the official responsible for conducting the election shall, at the same time that the election is called, notify the Secretary of State by registered mail of the date of the election, the date of the close of filing, and the last possible date for filing in the event there is an extension of filing due to an incumbent failing to file. The Secretary of State shall conduct a randomized alphabet drawing pursuant to subdivision (a) of Section 13112 on the first weekday following the last possible day of filing in the event there is an extension for the election.

(b) Except as provided for runoff elections in subdivision (d), if two or more drawings for local government elections would occur on the same date, the Secretary of State may use a single randomized alphabet drawing for all of these elections. The Secretary of State shall communicate the results of the drawing by registered mail to each respective official responsible for conducting the election who shall use it to determine the order on the ballot of all candidates' names.

(c) All drawings held pursuant to this section shall be open to the public.

(d) If a charter city conducts a runoff election, it shall use the results of a randomized alphabet drawing separate from the results of the randomized alphabet drawing used for the initial election for that runoff election. The city shall, within three days following the initial election, notify the Secretary of State by registered mail of the date of the election and request that he or she conduct a randomized alphabet drawing for the runoff election. The Secretary of State shall immediately conduct a randomized alphabet drawing for the runoff election and communicate the results of the drawing to the elections official responsible for conducting the runoff election who shall use the results to determine the order of all the candidates' names on the ballot. The results of the randomized

alphabet drawing shall be clearly labeled “FOR USE IN A RUNOFF ELECTION ONLY.”

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